

**Maryland's 2013 Summer Flounder (*Paralichthys dentatus*) Compliance Report
to the Atlantic States Marine Fisheries Commission**

Prepared for ASMFC

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I. Introduction

The fishery is currently operating under Addendum XXV which allows for quota sharing of Summer Flounder quota within conservation equivalency. According to the 2012 assessment the Summer Flounder stock was not overfished and overfishing was not occurring in 2011 relative to the biological reference points established in the 2008 SAW 47 assessment. The fishing mortality rate (F) was estimated to be 0.241 in 2011, below the fishing mortality threshold reference point = $FMSY = F35\% = 0.310$. Spawning Stock Biomass (SSB) was estimated to be 57.020 metric tons (mt) = 125.708 million lbs in 2011, below the biomass target reference point = $SSBMSY = SSB35\% = 60,074 \text{ mt} = 132.440 \text{ million lbs}$. The Summer Flounder stock reached the biomass target in 2010 and is considered rebuilt (Terciero 2012).

Summer Flounder are managed as one stock extending from North Carolina to Maine. Since 1980, 70% of the coastal commercial landings have come from the Exclusive Economic Zone (EEZ). Large variability in landings has occurred within and among the states and over time. Maryland's share of the coastal commercial quota is 2.04%. Maryland's share of the coastal recreational quota is 2.9%. The recreational fishery is actively pursued in the Atlantic Ocean and both the coastal back bays and, to a lesser extent, in the Chesapeake Bay.

Summer Flounder occupy Maryland waters where the salinity is greater than 10 parts per thousand. This includes the Maryland Coastal Bays, near shore Atlantic Ocean, and the Chesapeake Bay south of the Bay Bridge.

II. Request for *De Minimis*

No de minimis status is requested.

III. Previous Year's Fishery and Management Program

A. Fishery Dependent Monitoring

Summer Flounder were measured on commercial trawlers working in near shore coastal waters. The trips occurred from one to seven miles from the Ocean City Inlet. From all trips combined, a total of 41 Summer Flounder were measured. Lengths ranged in size from 162 mm to 570 mm (Figure 1). The mean length was 397.4 mm and the mode was 395 mm.

B. Fishery Independent Monitoring

Maryland has conducted a juvenile finfish trawl and beach seine survey in the Coastal Bays since 1972. Beginning in 1989, the Coastal Bays Fisheries Investigation Trawl and

Beach Seine Survey was performed following a standardized sampling protocol. Analyses presented in this report from that survey were from 1989 forward.

In 2013, a total of 748 Summer Flounder were collected in trawl (596 fish) and beach seine (152 fish) samples conducted on Maryland's Coastal Bays. Summer Flounder ranked 4th out of 72 species in overall finfish abundance.

GM indices of relative abundance were calculated and compared with the 1989-2013 time series grand mean. The point estimate of the time series grand mean was used as an indicator of central tendency of abundance, against which the 95% CIs of the GM indices of relative abundance were compared. The 2013 trawl index and the beach seine index were both equal to the grand mean (Figures 1 and 2).

Maryland Coastal Bays Summer Flounder Trawl Index

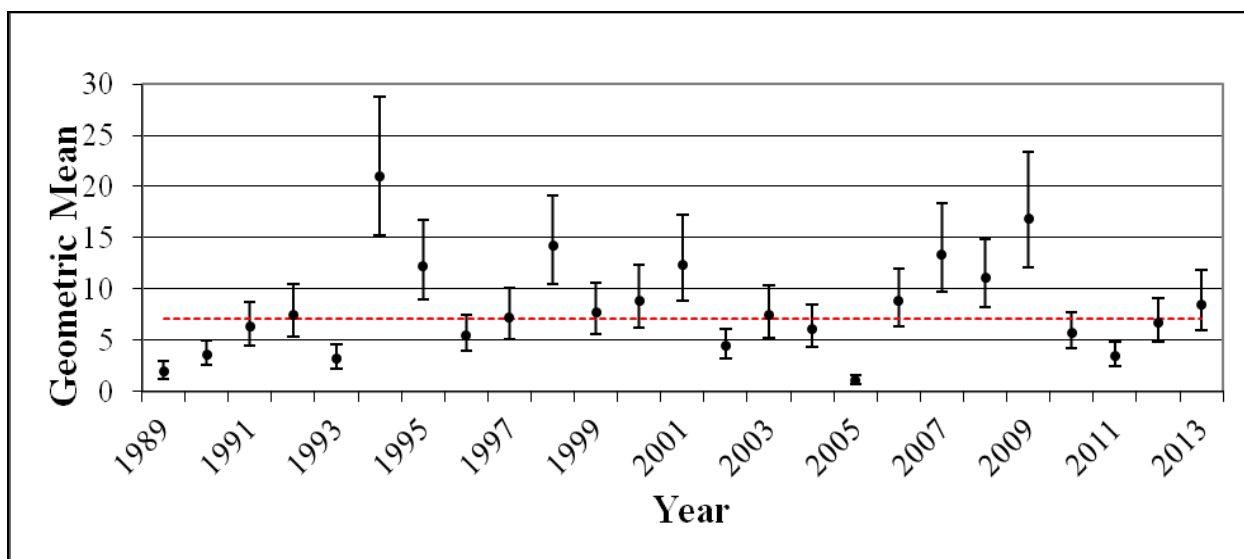


Figure 1. Summer Flounder trawl index of relative abundance (geometric mean) with 95% confidence intervals (1989-2013). Protocols of the Coastal Bays Fishery Investigation Trawl and Beach Seine Survey were standardized in 1989 (n=140/year).

Maryland Coastal Bays Summer Flounder Seine Index

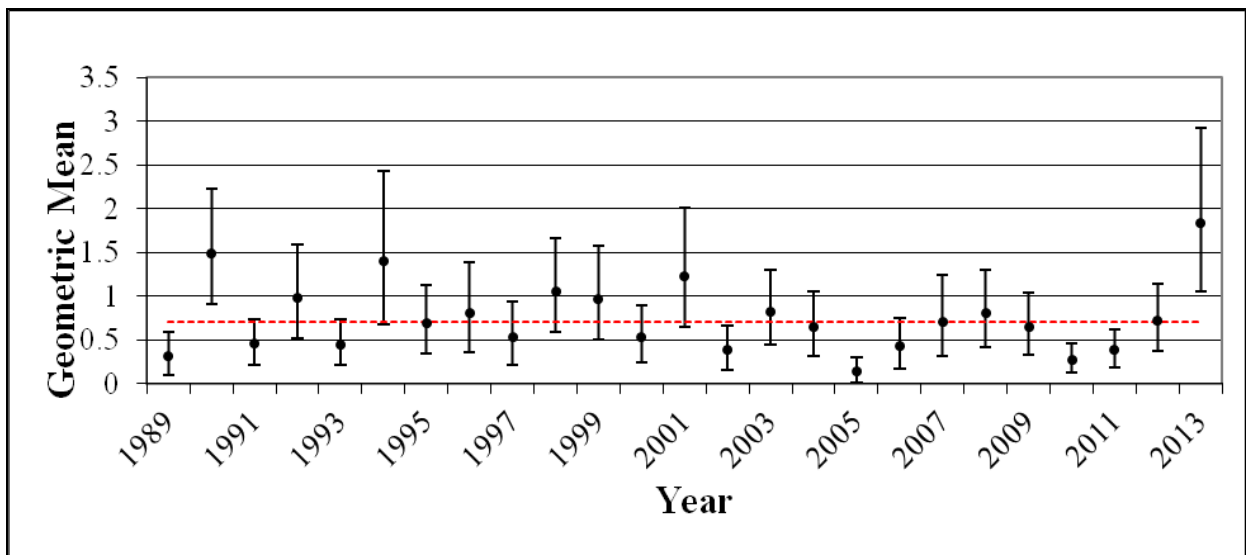


Figure 2. Summer Flounder beach seine index of relative abundance (geometric mean) with 95% confidence intervals (1989-2013). Dotted line represents the 1989-2013 time series grand mean. Protocols of the Coastal Bays Fishery Investigation Trawl and Beach Seine Survey were standardized in 1989 (n=38/year).

C. Regulations

A. Recreational Fishery.

- (1) Minimum Size. An individual may not catch or possess summer flounder less than:
 - (a) 16.0 inches total length in the Atlantic Ocean, its coastal bays, and their tributaries; and in the Chesapeake Bay and its tidal tributaries.
- (2) Catch Limits. An individual may not catch or possess more than four summer flounder per day in the Atlantic Ocean and coastal bays, and in the Chesapeake Bay and its tidal tributaries.
- (3) The recreational season was open from March 28th through December 31st in 2013.

B. Commercial Fishery.

- (1) Quotas.
 - (a) The annual commercial quota for Maryland is established by the National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission.
 - (b) The annual commercial quota is divided into an allocation for:
 - (i) The Atlantic Ocean, its coastal bays, and their tributaries;
 - (ii) The Chesapeake Bay and its tidal tributaries;
 - (iii) The Potomac river; and
 - (iv) The harvest of Summer Flounder provided for in §B(3)(a) and
- (4) of this regulation.

(c) The annual commercial quota and allocations are subject to downward adjustment action if there are overages in the previous year's landings.

(d) Equal individual allocations shall be established for the portion of the annual commercial quota provided for in §B(1)(b)(i) of this regulation and allocated by permit to an individual that meets the requirements set forth in §C(5) of this regulation.

(e) An individual who possesses a Maryland summer flounder landing permit in accordance with §C of this regulation and lands more than the assigned permit allocation, including any quota transfers, shall have the overage deducted from the permit allocation for the following year.

(f) A Maryland summer flounder permit holder (permittee) may annually transfer up to 100 percent of the permittee's individual quota to another permittee upon notification of and approval by the Department. However, an individual may not hold more than 29 percent of the allocation for the total fishery.

(2) Minimum Size. An individual licensed to catch fish for commercial purposes may not catch or possess a summer flounder less than:

(a) The size limit set forth in §A(1) of this regulation if caught by hook and line; or

(b) 14 inches total length if caught by gear other than hook and line.

(3) Daily Catch Limits. An individual licensed to catch fish for commercial purposes may not catch, possess, or land more than:

(a) 100 pounds of summer flounder per day from the Atlantic Ocean, its coastal bays, and their tributaries unless in possession of a Maryland Summer Flounder landing permit; and

(b) 50 pounds of Summer Flounder per day from the Chesapeake Bay and its tidal tributaries.

(4) An individual licensed to catch fish for commercial purposes may not:

(a) Transfer Summer Flounder from one vessel to another vessel; or

(b) Land more than 5 percent by:

(i) Number of summer flounder under 14 inches as part of the daily limit for flounder caught by gear other than hook and line; or

(ii) Weight of Summer Flounder in excess of the daily catch limits established in §B(3) of this regulation.

(5) Summer flounder harvested for commercial purposes from Maryland waters of the Atlantic Ocean or from the waters of the Exclusive Economic Zone (EEZ) and landed in Maryland shall be sold to a dealer with a federal permit.

C. Licenses and Permits.

(1) A person shall be licensed to fish for commercial purposes in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, in order to catch, possess, or land summer flounder.

(2) A vessel which is used to catch, possess, or land summer flounder for commercial purposes from the waters of the Exclusive Economic Zone (EEZ) of the Atlantic Ocean shall be permitted by the National Marine Fisheries Service in accordance with 50 CFR §648.4.

(3) A permittee may catch, possess, or land Summer Flounder for commercial purposes on a vessel other than the vessel declared on the permittee's permit if in

possession of the permit issued to the permittee, and the undeclared vessel is permitted by the National Marine Fisheries Service.

(4) Declaration.

(a) Tidal fish licensees shall declare their intent to fish for Summer Flounder by August 31 of each year.

(b) A tidal fish licensee who has not declared by August 31 of the current year, and who has not declared by the August 31 deadline in any of the 3 preceding years, may apply until September 14 of the current year, or the next business day if September 14 occurs on a weekend, to the Director of Fisheries Service provided the licensee shows good reason why the application should be processed.

(c) An exception to the September 14 deadline will be considered only for an individual who can provide satisfactory documentation of a physical or mental incapacity that prevented that individual from meeting the declaration time period established in this subsection.

(d) The federally registered name or the State registration numbers of the permitted vessels owned by the permittee shall be indicated at the time of application for the permit and declared on the Maryland summer flounder landing permit.

(e) Any change in vessel ownership shall be reported to the Department so that a revised permit card may be issued.

(5) Summer Flounder Landing Permit.

(a) No more than seven Summer Flounder landing permits may be issued by the Department. The number of Summer Flounder landing permits is based on the reported catch and landing records of Summer Flounder in Maryland during 1998—2003.

(b) The Department may issue a permit to catch and land Summer Flounder in Maryland to a person who is licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, owns or has a share of ownership in a federally permitted vessel, and:

(i) Declared or was eligible to declare, in the previous year, an intent to fish for summer flounder in accordance with §C(4) of this regulation in the previous year and has not transferred the permit;
or

(ii) Received a summer flounder landing permit through a permanent business transfer in accordance with §C(7) of this regulation.

(6) Operators.

(a) An operator means an individual who is not a permittee and acts as an agent of a permittee.

(b) The name of the vessel on which the operator is working shall be declared on the Maryland summer flounder landing permit.

(c) An operator may catch, possess, or land summer flounder for commercial purposes on a vessel owned by a permittee if they are in possession of that permittee's permit.

(7) Permanent Transfer of a Landing Permit. The Department may approve the permanent transfer of a Maryland Summer Flounder landing permit to an individual

who applies to the Department requesting the transfer on forms provided by the Department.

(8) Temporary transfers of summer flounder landing permits are not permitted.

(9) Regardless of the number of authorized individuals with Maryland summer flounder landing permits on board any one federally permitted vessel, no more than two summer flounder quotas may be fished from one vessel per trip.

D. Gear Restrictions.

(1) A person who catches summer flounder for commercial purposes may not use a trawl net with stretched mesh size of less than 6 inches square or 5-1/2 inches diamond applied throughout the net, including the body, extensions, and cod end.

(2) For the purposes of measuring the required mesh sizes, at least 20 meshes shall be measured, of which:

(a) At least 12 meshes shall measure the minimum size or larger; and

(b) The remaining meshes may not measure more than 1/4 inch less than the minimum mesh size.

E. Reporting and Penalties.

(1) In addition to the requirements of Natural Resources Article, §4-206, Annotated Code of Maryland, an individual in possession of a Maryland summer flounder landing permit shall record the harvest of Summer Flounder on the permit daily and submit the completed permit to the Department within 14 days from the end of the summer flounder season.

(2) A dealer shall transmit information weekly, or as requested, on each summer flounder transaction through the Department-approved reporting system.

(3) The Department may withhold quota allocation for a summer flounder landing permit for failing to comply with §E(1) of this regulation during the previous season.

(4) The Department may deny an application for a Summer Flounder landing permit for failing to comply with §E(1) of this regulation during the previous season.

F. General.

(1) The Secretary may modify catch limits, size limits, quotas, or open or close a season in order to comply with species management through the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Summer Flounder, by publishing notice on the Fisheries Service website at least 48 hours in advance, stating the effective hour and date.

(2) The Secretary shall make reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

(3) The Department shall make a reasonable effort to modify quotas to ensure that the Maryland portion of the coast-wide quota is harvested and not exceeded.

D. Harvest by Gear Type

1. Commercial Landings

Maryland allocates portions of their commercial quota to the Atlantic coastal waters, the Chesapeake Bay, and the Potomac River. The Potomac River quota is set aside from both Maryland and Virginia state quotas by agreement. The quota for Maryland in 2013 was 223,269 pounds. The Maryland commercial harvest in 2013 was [REDACTED] pounds (accessed May 27, 2014, National Marine Fisheries Service, Fisheries Statistics and Economics Division, Personal communication). **NMFS data are confidential.**

Maryland established individual fishing quotas for the Atlantic coastal waters including the Coastal Bays, and their tributaries. The individual fishing quota system assigns a specific quota per fisherman and allows fishermen to plan and manage the fishing business for best economic yield. In 2013 there were seven Summer Flounder harvesters permitted in Maryland. There is additional Maryland quota not allocated to IFQs to allow for some minimal bycatch on the coast and in the Chesapeake Bay.

2. Recreational Landings

The 2013 recreational catch of Summer Flounder was estimated at 48,786 fish (PSE 23.8) with an estimated combined weight of 101,932 pounds (accessed May 27, 2014, National Marine Fisheries Service, Fisheries Statistics and Economics Division, Personal communication).

IV. Planned Management for 2014

A. Summary of Regulations that will be in Effect

The Code of Maryland Regulations (COMAR) pertaining to summer flounder (section 08.02.05.12) are online at URL: <http://www.dsd.state.md.us/comar/08/08.02.05.12.htm>

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Recreational management measures for Maryland in 2014 include a 16.0 inch minimum size with a four fish creel limit on the Atlantic coast and in the Chesapeake Bay, and open season from January 1st to December 31st.

B. Summary of Monitoring Programs that will be in Effect

Maryland will continue monitoring the abundance and obtain measurements of summer flounder from the CBFI Trawl and Beach Seine Survey and the MVASFS in 2012.

C. Highlights of Changes from the Previous Year

Changes to minimum sizes and creel limits were necessary for compliance with regulatory requirements. All regulation changes are outlined in the section labeled, Summary of Regulations that will be in effect.

References

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